

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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DATE FILED: **AUG 21 2017**

Meryl Brodsky,

Plaintiff,

—v—

The New York City Campaign Finance Board,

Defendant.

17-CV-3186 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

On August 17, 2017 Defendant The New York City Campaign Finance Board filed a motion to dismiss the complaint pursuant to Rule 12(b) of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a plaintiff has 21 days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course. However, since Plaintiff is proceeding *pro se*, she shall be given additional time to amend the complaint. Accordingly, it is hereby ORDERED that if Plaintiff intends to file an amended complaint, she shall do so by September 18, 2017. Plaintiff is hereby advised that any amended complaint will completely replace the original complaint. Accordingly, if Plaintiff files an amended complaint, it should include all of the information she believes is necessary to make a short, plain statement explaining why she is entitled to relief against each defendant. Plaintiff is on notice that declining to amend her pleadings to timely respond to a fully briefed argument in the Defendant's August 17 motion to dismiss may well constitute a waiver of the Plaintiff's right to use the amendment process to cure any defects that have been made apparent by the Defendant's briefing. *See Loreley Fin. (Jersey) No. 3 Ltd. v. Wells Fargo Sec., LLC*, 797 F.3d 160 (2d Cir. 2015) (leaving "unaltered the grounds on which denial of leave to amend has long been held proper, such as undue delay, bad faith, dilatory motive, and futility.").


If Plaintiff chooses to amend, Defendant may then (a) file an answer; (b) file a new motion to dismiss; or (c) submit a letter stating that it relies on the initially-filed motion to dismiss.

IT IS FURTHER ORDERED that if no amended complaint is filed, Plaintiff shall serve her opposition to Defendant's motion to dismiss by September 18, 2017. Defendant's reply, if any, shall be served by October 2, 2017. At the time any reply is served, Defendant shall supply Chambers with a courtesy copy of all motion papers by mailing or delivering them to the United States Courthouse, 40 Foley Square, New York, New York.

IT IS FURTHER ORDERED that either party may request an extension of the briefing schedule for the motion. A deadline will be extended if the party demonstrates that its pursuit of the action has been diligent and that there is a good reason for extending the deadline.

SO ORDERED.

Dated: August 18, 2017  
New York, New York

  
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ALISON J. NATHAN  
United States District Judge